

Title	<i>Exemptions From the Enforcement of Judgments</i> (revise form EJ-155)
Summary	Assembly Bill 182 enacted last year requires the Judicial Council to periodically publish a list of the current dollar amounts of the exemptions from enforcement of judgments. To provide information to the public, <i>Exemptions From the Enforcement of Judgments</i> (form EJ-155) has been revised to indicate where the list may be found. The new list will be available on the Judicial Council's Web site and at court clerks' offices. Comments are invited on the revised form and the list of current amounts of exemptions.
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Discussion	<p>Code of Civil Procedure section 681.030(c) requires the Judicial Council to prepare a form listing each state and federal exemption from enforcement of a money judgment against a natural person. To implement this statute, the Judicial Council developed <i>Exemptions From the Enforcement of Judgments</i> (form EJ-155), which was adopted in 1983 and last amended in 1985.</p> <p>There are two statutory sources of the exemptions. One source is the state-law exemptions in title 9, division 2, chapter 4, article 3 (sections 704.010–704.210) of the Code of Civil Procedure. The other is Code of Civil Procedure section 703.140(b) that lists the exemptions that may be elected in a federal bankruptcy setting in lieu of the state-law exemptions.</p> <p>In 2003, the California Law Revision Commission developed a legislative proposal to amend the Enforcement of Judgments Law.¹ The Commission recommended increasing the dollar amount of the state-law exemptions by approximately 20 percent to adjust for changes in the cost of living since the last comprehensive review. It also recommended establishing an automatic triennial cost-of-living</p>

¹ The Commission has a duty to review the dollar amounts of debtors' exceptions every 10 years and to recommend any changes "that appear proper" in the amounts.

adjustment of those exemptions for consistency with the automatic adjustments of California's alternative bankruptcy exemptions.²

To implement the Commission's recommendations, Assembly Bill 182 last year added Code of Civil Procedure section 703.150. Sections 703.150(a) and (c) require the Judicial Council to determine the adjustments to be made to the dollar amounts in section 703.140(b) (the bankruptcy in lieu exemptions) every three years, beginning April 1, 2004, based on changes in the annual California Consumer Price Index for All Urban Consumers, published by the California Department of Industrial Relations, Division of Labor Statistics. Sections 703.150 (b) and (c) require similar triennial adjustments to be made to the dollar amounts of the state-law exemptions, starting April 1, 2007.

Section 703.150(d) requires the Judicial Council to publish the list of the dollar amounts of exemptions beginning April 1, 2004, and requires the list to include the date of the next scheduled adjustment. Amended 681.030 requires that Judicial Council form EJ-155 contain information advising interested persons how to obtain the list of current exemption amounts required by section 703.150(d).

Exemption from the Enforcement of Judgments (form EJ-155)

To implement AB 182, the exemption form has been revised to include a box near the top of page 1, with the heading: "AMOUNT OF EXEMPTIONS." The text of the box carries out the requirements of Code of Civil Procedure section 681.303(c)(3) by advising persons reading the form that the list of amounts of exemptions from a judgment, starting on April 1, 2004, is available from the clerk of the court and from the California Courts public Website, and that the dollar amounts of the exemptions will be adjusted at each three-year interval thereafter.

To inform the public where to locate the information about the amounts of exemptions, the Judicial Council at its April 23, 2004 meeting will consider revising form EJ-155, effective July 1, 2004. Because the form has not been revised for almost twenty years, it is also being circulated. Interested persons and organizations are invited to propose

² California Law Revision Commission, *Exemptions from Enforcement of Money Judgments: Second Decennial Review* (September 2002), page 1.

³ This list identifies only code sections and exemptions that have dollar values assigned to them. Many exemptions are not so limited. See e.g., Code Civ. Proc., § 703.140(b)(7) and (9) (any unmaturing life insurance contract owned by the debtor, and professionally prescribed health aides for the debtor or the debtor's dependent) and § 704.020 (household furniture and furnishing ordinarily and reasonably necessary to the debtor's family's use at the debtor's residence).

	<p>improvements in the form other than those made necessary by the new statutory provisions.</p> <p><i>Current Dollar Amounts of Exemptions From Enforcement of Judgment</i> (Admin. Office of the Courts)</p> <p>The list implements Code of Civil Procedure section 703.150(d). The list contains the dollar amount of exemptions under title 9, division 2, chapter 4, article 3 (sections 704.010–704.210) 9 of the Code of Civil Procedure, under the heading “State Law Exemptions.” The exemption amounts are specified in the code sections cited, all of which were amended by AB 182 to state these amounts.</p> <p>The list also contains the current dollar amounts of the exemptions under Code of Civil Procedure section 703.140(b)(1)–(11). Under section 703.140(a), these exemptions may be claimed by a debtor in bankruptcy in lieu of the state law exemptions under chapter 4 (sections 703.010–704.995). These exemptions are grouped under the heading “Bankruptcy in Lieu Exemptions.” The amounts of each of these exemptions have been adjusted to reflect increases in the California Consumer Price Index for the most recent three-year period ending on December 31, 2003. The attached list shows the current dollar values of each exemption as of April 1, 2004.³ The list is not intended as a comprehensive list of exemptions. That is the function of form EJ-155. The form and the list are to be read together.</p> <p>Comments are invited on both the form and the list. Specifically, commentators are asked to provide suggestions on ways to improve the list to make it more usable, especially for persons representing themselves.</p>
	Attachment

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EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

EJ-155

The following is a list of assets that may be exempt from levy on a judgment.

Exemptions are found in the United States Code (**USC**) and in the California codes, primarily the Code of Civil Procedure (**CCP**).

Because of periodic changes in the law, the list may not include all exemptions that apply in your case. The exemptions may not apply in full or under all circumstances. Some are not available after a certain period of time. You or your attorney should read the statutes.

If you believe the assets that are being levied on are exempt, file a claim of exemption, which you can get from the levying officer.

AMOUNT OF EXEMPTIONS: A list of the amounts of exemptions from a judgment under C.C.P., § 703.150 starting on April 1, 2004, is available from the clerk of the court and on the California Courts Web site at www.courtinfo.ca.gov. The dollar amounts of the exemptions will be adjusted thereafter at three-year intervals on April 1, and the adjusted amounts will become effective immediately on that date.

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
Accounts (<i>See Deposit Accounts</i>)		Benefit Payments (cont.)	
Appliances	CCP § 704.020	Relocation Benefits	CCP § 704.180
Art and Heirlooms	CCP § 704.040	Retirement Benefits and Contributions—	
Automobiles	CCP § 704.010	Private	CCP § 704.115
BART District Benefits	CCP § 704.110	Public	CCP § 704.110
	Pub Util C § 28896	Segregated Benefit Funds	Ins C § 10498.5
Benefit Payments:		Social Security Benefits	42 USC § 407
BART District Benefits	CCP § 704.110	Strike Benefits	CCP § 704.120
Charity	Pub Util C § 28896	Transit District Retirement	
Civil Service Retirement	CCP § 704.170	Benefits (Alameda & Contra Costa Counties)	CCP § 704.110
Benefits (Federal)	5 USC § 8346	Unemployment Benefits	Pub Util C § 25337
County Employees		and Contributions	CCP § 704.120
Retirement Benefits	CCP § 704.110	Veterans Benefits	38 USC § 3101
Disability Insurance Benefits	Govt C § 31452	Veterans Medal of Honor	
Fire Service Retirement	CCP § 704.130	Benefits	38 USC § 562
Benefits	CCP § 704.110	Welfare Payments	CCP § 704.170
	Govt C § 32210	Workers Compensation	Welf & I C § 17409
Fraternal Organization		Boats	CCP § 704.160
Funds Benefits	CCP § 704.130		CCP § 704.060
Health Insurance Benefits	CCP § 704.170	Books	CCP § 704.710
Irrigation System	CCP § 704.130	Building Materials (Residential)	CCP § 704.030
Retirement Benefits	CCP § 704.110	Business:	
Judges Survivors Benefits		Licenses	CCP § 695.060
(Federal)	28 USC § 376(n)	Tools of Trade	CCP § 699.720(a)(1)
Legislators Retirement		Cars and Trucks (including proceeds)	CCP § 704.060
Benefits	CCP § 704.110	Cash	CCP § 704.070
	Govt C § 9359.3	Cemeteries	
Life Insurance Benefits—		Land Proceeds	Health & S § 7925
Group	CCP § 704.100	Plots	CCP § 704.200
Individual	CCP § 704.100	Charity	CCP § 704.170
Lighthouse Keepers		Claims, Actions & Awards:	
Widows Benefits	33 USC § 775	Personal Injury	CCP § 704.140
Longshore & Harbor Workers		Worker's Compensation	CCP § 704.160
Compensation or Benefits	33 USC § 916	Wrongful Death	CCP § 704.150
Military Benefits—		Clothing	CCP § 704.020
Retirement	10 USC § 1440	Condemnation Proceeds	CCP § 704.720(b)
Survivors	10 USC § 1450	County Employees Retirement	
Municipal Utility District		Benefits	CCP § 704.110
Retirement Benefits	CCP § 704.110		Govt C § 31452
	Pub Util C § 12337	Credit Union Shares	Fin C § 14864
Peace Officers Retirement		Damages (<i>See Personal Injury and Wrongful Death</i>)	
Benefits	CCP § 704.110	Deposit Accounts:	
	Govt C § 31913	Escrow or Trust Funds	Fin C § 17410
Pension Plans (and Death Benefits)—		Social Security Direct	
Private	CCP § 704.115	Deposits	CCP § 704.080
Public	CCP § 704.110		
Public Assistance	CCP § 704.170		
	Welf & I C § 17409		

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DRAFT EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

(Continued)

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
Public Employees—		Direct Deposit Account —	
Death Benefits	CCP § 704.110	Social Security	CCP § 704.080
Pension	CCP § 704.110	Disability Insurance Benefits	CCP § 704.130
Retirement Benefits	CCP § 704.110	Dwelling House	CCP § 704.740
Vacation Credits	CCP § 704.113	Earnings	CCP § 704.070
Railroad Retirement Benefits	45 USC § 228/	CCP § 706.050
Railroad Unemployment Insurance	45 USC § 352(e)	15 USC § 1673(a)
Employment Bonds	Lab C § 404	Educational Grant	Ed C § 21116
Financial Assistance:		Peace Officers Retirement	
Charity	CCP § 704.170	Benefits	CCP § 704.110
Public Assistance	CCP § 704.170	Govt C § 31913
Student Aid	Welf & I C § 17409	Personal Effects	CCP § 704.020
Welfare (<i>See Public Assistance</i>)	CCP § 704.190	Personal Injury Actions or Damages	CCP § 704.140
Fire Service Retirement	CCP § 704.110	Pension Plans:	
Govt C § 32210		Private	CCP § 704.115
Fraternal Organizations		Public	CCP § 704.110
Funds and Benefits	CCP § 704.130	Prisoner's Funds	CCP § 704.090
.	CCP § 704.170	Property Not Subject to Enforcement of Money Judgments	CCP § 704.210
Fuel for Residence	CCP § 704.020	Prosthetic & Orthopedic	
Furniture	CCP § 704.020	Devices	CCP § 704.050
General Assignment for Benefit of Creditors	CCP § 1801	Provisions (for Residence)	CCP § 704.020
Health Aids	CCP § 704.050	Public Assistance	CCP § 704.170
Health Insurance Benefits	CCP § 704.130	Welf & I C § 17409	
Home:		Public Employees:	
Building Materials	CCP § 704.030	Death Benefits	CCP § 704.110
Dwelling House	CCP § 704.740	Pension	CCP § 704.110
Homestead	CCP § 704.720	Retirement Benefits	CCP § 704.110
.	CCP § 704.730	Vacation Credits	CCP § 704.113
Housetrailer	CCP § 704.710	Railroad Retirement Benefits	45 USC § 2281
Mobilehome	CCP § 704.710	Railroad Unemployment Insurance	45 USC § 352(e)
Homestead	CCP § 704.720	Relocation Benefits	CCP § 704.180
Household Furnishings	CCP § 704.730	Retirement Benefits & Contributions—	
Irrigation System		Private	CCP § 704.115
Retirement Benefits	CCP § 704.110	Public	CCP § 704.110
Insurance:		Ins C § 10498.5
Disability Insurance	CCP § 704.130	Segregated Benefit Funds	Ins C § 10498.6
Fraternal Benefit Society	CCP § 704.110	Social Security	42 USC § 407
Group Life	CCP § 704.100	Social Security	
Health Insurance Benefits	CCP § 704.130	Direct Deposit Account	CCP § 704.080
Individual	CCP § 704.100	Soldiers & Sailors Property	50 USC § 523(b)
Insurance Proceeds—		Strike Benefits	CCP § 704.120
Motor Vehicle	CCP § 704.010	Student Aid	CCP § 704.190
Jewelry	CCP § 704.040	Tools of Trade	CCP § 704.060
Judges' Survivors Benefits		Transit District Retirement	
(Federal)	28 USC § 376(n)	Benefits (Alameda & Contra Costa Counties)	CCP § 704.110
Legislators Retirement		Pub Util C § 25337
Benefits	CCP § 704.110	Travelers Check Sales Proceeds	Fin C § 1875
Govt C § 9359.3		Unemployment Benefits & Contributions	CCP § 704.120
Licenses	CCP § 695.060	Uniforms	CCP § 704.060
CCP § 720(a)(1)		Vacation Credits (Public Employees)	CCP § 704.113
Lighthouse Keepers' Widows		Veterans Benefits	38 USC § 3101
Benefits	33 USC § 775	Veterans Medal of Honor	
Longshore & Harbor Workers		Benefits	38 USC § 562
Compensation or Benefits	33 USC § 916	Wages	CCP § 704.070
Military Benefits:		CCP § 706.050
Retirement	10 USC § 1440	Welfare Payments	CCP § 706.051
Survivors	10 USC § 1450	CCP § 704.170	
Military Personnel—Property		Welf & I C § 17409	
Motor Vehicle (including proceeds)	CCP § 704.010	Workers Compensation	
.	CCP § 704.060	Claims or Awards	CCP § 704.160
Municipal Utility District		Wrongful Death Actions or Damages	CCP § 704.150
Retirement Benefits	CCP § 704.110		
.	Pub Util C § 12337		

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CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENT Code of Civil Procedure sections 703.140(b) and 704.010, et seq.

STATE LAW EXEMPTIONS

The following list of the current dollar amounts of exemptions from enforcement of judgment under title 9, division 2, chapter 4, article 3 (commencing with section 704.010) of the Code of Civil Procedure is required by Code of Civil Procedure section 703.150(d).

These amounts are effective on April 1, 2004. They will be adjusted at each three-year interval ending on April 1 thereafter. The amount of the adjustment will be based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on December 31 preceding.

<u>Code Civ. Proc. section</u>	<u>Type of Property</u>	<u>Amount of Exemption</u>
704.010	Motor vehicle (any combination of aggregate equity, proceeds of execution sale, and proceeds of insurance or other indemnification for loss, damage or destruction)	\$ 2,300
704.030	Material to be applied to repair or maintenance of residence	\$ 2,425
704.040	Jewelry, heirlooms, art	\$ 6,075
704.060	Personal property used in debtor's or debtor's spouse's trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$4,850)	\$ 6,075
704.060	Personal property used in debtor's and spouse's common trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$9,700)	\$12,150
704.080	Deposit account with direct payment of social security or public benefits (exemption without claim, section 704.080(b)) ¹	
	• Public benefits, one depositor is designated payee	\$ 1,225
	• Social security benefits, one depositor is designated payee	\$ 2,425
	• Public benefits, two or more depositors are designated payees ²	\$ 1,825
	• Social security benefits, two or more depositors are designated payees ²	\$ 3,650
704.090	Inmate trust account	\$ 1,225
	Inmate trust account (restitution fine or order)	\$ 300 ³
704.100	Aggregate loan value of unmatured life insurance policies	\$ 9,700

¹ The amount of deposit account that exceeds exemption amounts is also exempt to the extent it consists of payments of public benefits or social security benefits. (CCP, § 704.080(c).)

² If only one joint payee is a beneficiary of the payment, the exemption is in the amount available to a single designated payee. (CCP, § 704.080(b)(3) and (4).)

³ This amount is not subject to adjustments under CCP, § 703.150.

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENT
Code of Civil Procedure sections 703.140(b) and 704.010, et seq.
BANKRUPTCY IN LIEU EXEMPTIONS

The following list of the current dollar amounts of exemptions from enforcement of judgment that may be elected in a case under title 11 of the United States Code (bankruptcy) in lieu of the exemptions available under title 9, division 2, chapter 4 (commencing with section 703.010) of the Code of Civil Procedure, is required by Code of Civil Procedure section 703.150(d).

These amounts are effective on April 1, 2004. They will be adjusted thereafter at three-year intervals ending on April 1. The amount of the adjustment will be based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on December 31 preceding.

<u>Code Civ. Proc., § 703.140(b)</u>	<u>Type of Property</u>	<u>Amount of Exemption</u>
(1)	The debtor's aggregate interest in real property or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as residence, or in a burial plot for the debtor or a dependent of the debtor	\$ 18,675
(2)	The debtor's interest in one motor vehicle	\$ 2,975
(3)	The debtor's interest in household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor (value is of any particular item)	\$ 475
(4)	The debtor's aggregate interest in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor	\$ 1,225
(5)	The debtor's aggregate interest, plus any unused amount of the exemption provided under paragraph (1), in any property	\$ 1,000
(6)	The debtor's aggregate interest in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor	\$ 1,875
(8)	The debtor's aggregate interest in any accrued dividend or interest under, or loan value of, any unmaturing life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent	\$ 9,975
(11)(D)	The debtor's right to receive, or property traceable to, a payment on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent	\$ 18,675